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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,358	10/15/2001	Stephen Lange Ranzini	3892-4002	6886
27123	7590	08/24/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 08/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/981,358

Applicant(s)

RANZINI ET AL.

Examiner

Cristina Owen-Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 10-29, 53, 54, 60, 61, 63, 65, 67, 69 and 72-106 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 9, 30-52, 55-59, 62, 64, 66, 68, 70 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This communication is in response to applicant's amendment filed June 6, 2006. Claims 30-37, 39-41, 43-52, 56, 66, 68, 70 and 71 have been amended. Claims 8 and 38 have been canceled. Claim 107 has been newly added. Claims 9, 30-37, 39-52, 55-59, 62, 64, 66, 68, 70, 71 and 107 are currently pending in this case.

### *Response to Arguments*

2. The claim objections to claims 30-41, 43-52, 56, 66, 68, 70 and 71 are hereby withdrawn in light of the amendments to claims 30-37, 39-41, 43-52, 56, 66, 68, 70 and 71, and the cancellation of claim 38.

3. The section 112 rejections of claim 8 are now moot, in view of the withdrawal of claim 8. The section 112 rejections of claims 56-58 are also withdrawn in light of the amendments to claim 56.

4. Applicant's arguments with respect to the section 103 rejection of claims 9, 30-52, 55, 59, 62, 64, 66, 68, and 70-71, filed June 6, 2006, have been fully considered but they are not persuasive. Claims 71 and 107 are currently pending in this case.

5. Applicant's sole argument is that the instant application is a continuation-in-part of U.S. application number 09/501,874, filed February 10, 2000, and incorporates U.S. Application serial number 09/501,874 by reference.

6. Attention is directed to the cited references as follows:

7. Ginter et al (US 5,371,797), "DATE FILED: September 3, 1999. PARENT-CASE:

Applicant's arguments with respect to the section 103 rejection of claims 9, 30-

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This is a continuation of application Ser. No. 08/778,256, filed Jan. 8, 1997, now U.S. Pat. No. 5,949,876 which is a divisional of application Ser. No. 08/388,107, filed Feb. 13, 1995, now abandoned--all of which are incorporated herein by reference."

8. Bocinsky, Jr. (US 5,371,797): "DATE FILED: January 19, 1993."

9. Anderson et al (US 2001/0018739): "DATE FILED: December 28, 2000."

RELATED-US-APPL-DATA: Application 09/750379 is a continuation-of US application 09/386551, filed August 31, 1999, US Patent No. 6209095 Application 09/386551 is a continuation-of US application 08/994636, filed December 19, 1997, US Patent No. 6021202. Application is a non-provisional-of-provisional application 60/033896, filed December 20, 1996."

**Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 107, 9, 30-52, 55, 59, 62, 64, 66, 68, and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20010018739A1-Anderson et al. [Anderson '739], US 6,427,140-Ginter et al. [Ginter '140], and further in view of US 5,371,797-Bocinsky, Jr. [Bocinsky, Jr '797].

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12. As per claim 107:

Anderson '739 disclose:

a first entity transmitting to the first entity's clearing bank a cash request electronic mail message, said message requesting that an electronic representation of cash be sent to a specified second entity; Fig. 3, 0174-0175

the first entity's clearing bank transmitting as an electronic mail message attachment to the second entity's clearing bank, Fig. 3, 0176-0177.

Anderson '739 discloses the claimed invention except for a digital rights management vault containing said electronic representation of cash. Ginter '140 teaches that it is known to utilize the concept of placing data into a VIDE content container/digital rights management container and associating control information with said data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a VIDE content container/digital rights management container as taught by Ginter '140, since Ginter '140 states at Col. 22, lines 15-25 that such a modification would eliminate the constraints of having to use a few high level individual, pre-defined content provider increments.

Anderson '739 and Ginter '140 disclose the claimed invention except for wherein one or more of the sending users specified security attributes are set for the vault. Bocinsky, Jr teaches that it is known in the art to provide wherein one or more of the sending users specified security attributes are set for the vault. For example Fig. 2, elements 30 and 36, Abstract, Col. 11, lines 3-34, Col. 12, lines 4-34. It would have been obvious to one having ordinary skill in the art at the time the invention was made

to utilize a VIDE content container/digital rights management

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to provide the elements of the documents of Anderson '739 with the sending users specified security attributes are set for the vault of Bocinsky, Jr., in order to utilize the security keys of the sender.

13. As per claim 9:

Anderson '739 further disclose:

the second entity's clearing bank sending an electronic mail message to the first entity's clearing bank requesting receipt of the actual funds corresponding to said electronic representation of cash. [0226]

14. As per claim 30: 09/981,358

Anderson '739 and Ginter '140 further disclose:

wherein said digital rights management container relies on a security system which is based on an open standard cryptographic method by Anderson '739 [0073-0075] and Ginter '140 Fig. 10 Col. 8, lines 1-10 and Col. 67, lines 1-50,

Anderson '739 and Ginter '140 discloses the claimed invention including, determining the identity of the requestor, the authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform authentication protocols such as determining the identity of the requestor, authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. Anderson '739 Fig. 17 A/B and Ginter '140 Fig. 10.

15. As per claim 31: 09/981,358

Anderson '739 and Ginter '140 further disclose: 09/981,358

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employing a message set order protocol and dataset that are proprietary; and publishing the application protocol interfaces corresponding to said message set and set dataset as an open standard. Anderson '739 [00730075] and Ginter '140 Fig. 10, Col. 8, lines 1-10 and Col. 67, lines 1-50,

Anderson '739 and Ginter '140 discloses the claimed invention including, determining the identity of the requestor, the authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform authentication protocols such as determining the identity of the requestor, authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. Anderson '739 Fig. 17 A/B and Ginter '140 Fig. 10.

16. As per claim 32:

Anderson '739 further discloses the claimed invention except for accessing the databases or synergistic services. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739, Fig. 24, [0252].

17. As per claim 33:

Anderson '739 further discloses the claimed invention except for accessing the database directory of user's profiles and attributes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739, Fig. 24, [0252].

Anderson '739 further discloses the claimed invention except for accessing the database directory of user's profiles and attributes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739, Fig. 24, [0252].

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18. As per claim 34:

Anderson '739 further discloses the claimed invention except for accessing the database of aliases of users. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

19. As per claim 35:

Anderson '739 further discloses the claimed invention except for accessing the database of pending transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

20. As per claim 36:

Anderson '739 further discloses the claimed invention except for accessing the database for validation services. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

21. As per claim 37:

Anderson '739 further discloses the claimed invention except for accessing the database of eCheck numbers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

22. As per claim 39:

Anderson '739 further discloses the claimed invention except for accessing the database for



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Anderson '739 further discloses the claimed invention except for accessing the database of user authorities. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

23. As per claim 40:

Anderson '739 further discloses the claimed invention except for accessing the database of auditing services. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

24. As per claim 41:

Anderson '739 further discloses the claimed invention except for accessing the database of ERP data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

25. As per claim 42:

Anderson '739 further disclose wherein said database of ERP data secures its data pervasively using digital rights management. 0175-0180

26. As per claim 43:

Anderson '739 discloses the claimed invention except for utilizing XML compilers to speed up transaction rates and data processing speeds for ERP enabled messages. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to utilize XML compilers to speed up transaction rates and data

*Journal of Management Studies*, 36(7), 809–826.

except for the providing customer software diagnostic tool, and an to provide customer service. It in the art at the time the invention Ginter '140, since Ginter '140 would support user interaction.

It is known in the art that XML

, as discussed above, for  
n. It would have been an obvious  
erson '739 and Ginter '140 to  
cent for the provider, customer  
t system regardless of the terms  
ntity or customer or user, etc, be it  
y exchange provider, a  
er etc. Since the applicant has not  
ter '140 since Ginter '140  
ame thing solves any stated  
ticular purpose which is unobvious  
feature does not distinguish the  
e teachings of Anderson '739 and  
n. It would have been an obvious

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Ginter '140 will perform the invention as claimed by the applicant with any method, means, or product to perform a settlement using a bank payment system.

29. As per claim 50:

Anderson '739 further disclose performing settlement using an ATM POS system. [0222]

30. As per claim 51:

Anderson '739 further disclose interfacing with a currency exchange service provider. [0224]

31. As per claim 52: ber: 09/981,358

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Anderson '739 further disclose wherein said steps are performed in an automated manner. [0175-0177]

32. As per claim 55:

Anderson '739 further disclose generating messages to transfer to a conventional bank the funds corresponding to said electronic representation of cash. [0226].

33. As per claims 56-58:

Anderson '739 further disclose providing online-real time access. [0226].

Whether said access is to government officials or another group, and the type of information obtained is a matter of merely nonfunctional descriptive material and not involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see: *In re Gulack*, 703 F.2d

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1382, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir.1994).

34. As per claim 59:

Anderson '739 further disclose placing time-based limitations on the validity of said electronic representation of cash. [0242]

35. As per claim 62:

Anderson '739 further disclose providing real-time transfer of the finds corresponding to said electronic representation of cash. [0226]

36. As per claim 64:

Anderson '739 further disclose allowing a user requesting said transmission to select the authentication method to be used to access said descriptive data and said electronic representation of cash. [0226]

37. As per claim 66:

Anderson '739 further disclose allowing said entities to establish subordinate users who may have similar or lesser authorities than a primary user.[0224]

38. As per claim 68:

Anderson '739 further disclose further comprising the step of requiring a user requesting the transmission of said vault to select that a standard privacy matrix template be used to access said descriptive data and said digital representation of money. [0226]

39. As per claim 70:

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Anderson '739 further disclose screening said electronic mail messages for viruses or other malicious code. [0174]

40. As per claim 71:

Anderson '739 further disclose protecting users from spam, denial of service attacks or other malicious interference. [0174]

41. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### **Conclusion**

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

43. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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46. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

COS, 08/17/06

*[Signature]*  
PRIMARY EXAMINER